



# County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA  
Chief Executive Officer

May 20, 2009

To: All Department Heads

From: William T Fujioka  
Chief Executive Officer

Board of Supervisors  
GLORIA MOLINA  
First District

MARK RIDLEY-THOMAS  
Second District

ZEV YAROSLAVSKY  
Third District

DON KNABE  
Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

## PROPOSAL EVALUATION METHODOLOGY POLICY AND REVISED PROTEST POLICY – IMPLEMENTATION GUIDELINES

On March 31, 2009, the Board of Supervisors approved the policy on Evaluation Methodology for Proposals (Policy No. 5.054, Attachment I), establishing Informed Averaging as the County's evaluation methodology for certain competitive solicitations (e.g., Request For Proposals and Request For Statement of Qualifications). At the same time, the Board also approved the revised policy on Services Contract Solicitation Protest (Policy No. 5.055, Attachment II) to specify when a recommended proposer's proposal and corresponding evaluation documents in a solicitation are made available upon request by the public. Both policies will be effective 60 days from Board approval.

In concert with the above actions, the Board instructed this Office, with the assistance of the Auditor-Controller (Auditor), Internal Services Department (ISD), and County Counsel, to issue Implementation Guidelines to departments for both policies within 60 days. As such, this memorandum provides the Implementation Guidelines for the Evaluation Methodology for Proposals Policy (Attachment III) and the Implementation Guidelines for the revised Services Contract Solicitation Protest Policy (Attachment IV). In addition, the Implementation Guidelines will be posted to the County's Purchasing and Contracting web portal shortly.

As instructed by the Board, the Auditor, ISD, and County Counsel, will be providing mandatory training on both policies for departments on May 20 and May 21, 2009, at the San Gabriel Library. These departments have been working with appropriate contracting staff within your organization to schedule them for one of the sessions. For more information on the trainings, please contact Bettie Gonzalez at ISD at (323) 267-2562. If you have any questions regarding this correspondence, please contact Frank Cheng at (213) 893-7938 or [fcheng@ceo.lacounty.gov](mailto:fcheng@ceo.lacounty.gov).

WTF:ES:MKZ  
FC:VLA:pg

Attachments

c: Each Supervisor



## *Los Angeles County* **BOARD OF SUPERVISORS POLICY MANUAL**

Policy #:	Title:	Effective Date:
5.054	Evaluation Methodology for Proposals	03/31/09

### **PURPOSE**

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Establishes Informed Averaging as the best practice method for scoring and evaluating competitive solicitations where proposals are evaluated and scored by a panel based on several factors, which may include qualifications, experience, and price, e.g., Requests for Proposals (RFPs) and Request for Statement of Qualifications (RFSQs). Ensures the retention of all appropriate scoring and evaluation materials.

### **REFERENCE**

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November 25, 2008 Board Order 39A

March 17, 2009 Board Letter continued to and approved at the March 31, 2009 Board meeting, Board Order 55

May , 2009 Implementation Guidelines for Evaluation Methodology for Proposals Policy

### **POLICY**

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Each department shall comply with Evaluation Methodology Policy to ensure a consistent process for the evaluation of proposals. This applies to competitive solicitations (e.g., RFPs and RFSQs) where proposals are evaluated and scored by a panel based on several factors, such as qualifications, experience, work plan, and price.

The Informed Averaging method, as shall be further described in the Evaluation Methodology for Proposals Implementation Guidelines issued hereunder, requires that evaluators independently review and score each proposal using the rating factors included in the individual evaluation worksheet. Evaluators then meet as a group to discuss, and following such discussion, then individually determine if they wish to change any scoring based on the discussion. The basis for any changes in an individual evaluator's score shall be documented in the individual evaluation worksheet. All individual evaluators' scores shall be compiled in a final evaluation worksheet and are averaged to complete the

evaluation process. All evaluator written notes must be included on the individual evaluation worksheets and/or the final evaluation worksheet.

Departments shall retain the individual evaluation worksheets and the final evaluation scoring worksheet signed by each evaluator (Evaluation Documents) consistent with the Countywide Record Retention Schedule for contracts as approved by the Board of Supervisors. There will be no discarding, shredding, or other destruction of Evaluation Documents pending the expiration of the applicable retention period per the retention schedule referenced above. All evaluator written notes must be included on the individual evaluation worksheet.

The Chief Executive Office, in consultation with Auditor-Controller, Internal Services Department, and County Counsel, will issue Implementation Guidelines that are consistent with this Evaluation Methodology for Proposals policy. The Internal Services Department, County Counsel, and the Auditor-Controller shall provide training to all County departments on the Implementation Guidelines. The Internal services Department shall incorporate Evaluation Methodology for Proposal Policy and Implementation Guidelines into the Services Contracting Manual.

#### **RESPONSIBLE DEPARTMENT**

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Chief Executive Office

Internal Services Department

County Counsel

Auditor-Controller

#### **DATE ISSUED/SUNSET DATE**

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**Issue Date: March 31, 2009**

**Sunset Date: March 31, 2013**

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## *Los Angeles County* **BOARD OF SUPERVISORS POLICY MANUAL**

Policy #:	Title:	Effective Date:
5.055	Services Contract Solicitation Protest	05/06/04

### PURPOSE

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Establishes a process to allow proposers to seek review of a solicitation of a Board approved service contract and have it considered by the County.

### REFERENCE

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March 30, 2004 Board Letter continued to and approved at the April 6, 2004 Board Meeting, Board Order 18 with attachment entitled: "Services Contract Solicitation Protest Policy"

June 3, 2004, Memo from Internal Services Director on Update on the "Services Contracting Manual"

December 2, 2008 Board Order 38

March 17, 2009 Board Letter continued to and approved at March 31, 2009 Board Meeting, Board Order 55

May , 2009 Implementation Guidelines for Services Contract Solicitation Protest Policy

### POLICY

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Each department shall comply with the Services Contract Solicitation Protest Policy Implementation Guidelines so as to allow a proposer to seek review of a solicitation of a Board-approved service contract. As used in this Policy, a "proposer" is defined as any person or entity that actually submits a bid, proposal or other response to a services contract solicitation conducted by any department or agency whose governing Board is the Los Angeles County Board of Supervisors. "Proposer" also includes any person or entity that can demonstrate that it would have submitted a bid, proposal or other response to such a solicitation, but for a requirement or provision in the solicitation document that created an unfair disadvantage for the proposer. As used in this Policy, "proposal" includes a bid, proposal, or other response to a services contract solicitation.

The Implementation Guidelines shall include standard language to be used in solicitation documents to notify the proposers of the department's protocol for reviewing service contract solicitations. All County departments should include the language in all Board awarded services contract solicitation documents.

A review may be granted if the request for a review is submitted timely and the following criteria are met:

1. The firm/person requesting review is a proposer; and
2. The proposer requesting the review alleges in appropriate detail, with factual reasons, the appropriate ground for review as set forth below:
  - For a review of solicitation requirements, the request must be assert that either (a) application of the minimum requirements, evaluation criteria and/or business requirements unfairly disadvantages the proposer or (b) due to unclear instructions, the process may result in the County not receiving the best possible responses from the proposers.
  - For review of a disqualified proposal, the request must assert the department made an error in disqualifying the proposal.
  - For review of a department's proposed contractor selection or to request review by County Review Panel, the request for review must assert that but for one of the following, the proposer would have been the lowest cost, responsive and responsible bidder or ranked the highest rated proposer and was not selected for contract award recommendation:
    - The department materially failed to follow procedures specified in its solicitation document; or
    - The department made identifiable mathematical or other errors in evaluating proposals, resulting in the proposal receiving an incorrect score and not being selected as the recommended contractor; or
    - A member of the Evaluation Committee demonstrated bias in the conduct of the evaluation; or
    - Another basis for review as provided by state or federal law.

For all phases of review, the scope of review shall be limited to the issues presented in the request for review. For the County Review Panel, the scope of review may additionally include issues discovered by the proposer during the review of the departments' proposed contractor selection, but only if the proposer includes such discovered issues in the proposer's request for a County Review Panel. No other new or additional issues may be

brought forward in the County Review Panel.

Departments will make the recommended proposer's proposal and corresponding detailed evaluation documents available for release in accordance with Implementation Guidelines issued under this Policy.

The Chief Executive Office, in consultation with County Counsel, Internal Services Department and Auditor-Controller, will issue Implementation Guidelines that are consistent with this Services Contract Solicitation Protest Policy. The Chief Executive Office and County Counsel shall provide training to all County departments on the Implementation Guidelines. The Internal Services Department shall incorporate the Services Contract Solicitation Protest Policy, Implementation Guidelines and the solicitation language in the Services Contracting Manual.

#### **RESPONSIBLE DEPARTMENT**

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Chief Executive Officer  
Internal Services  
Auditor-Controller  
County Counsel

#### **DATE ISSUED/SUNSET DATE**

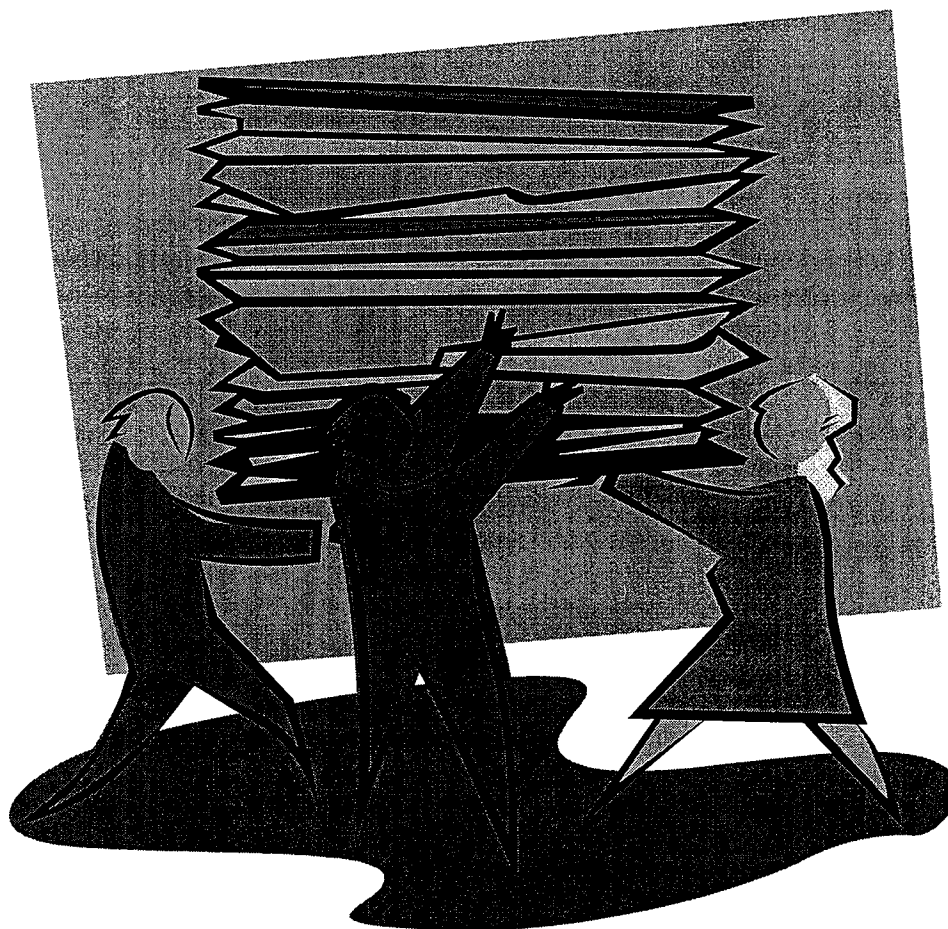
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**Issue Date: May 6, 2004**  
**Reissue Date: March 31, 2009**

**Sunset Date: May 6, 2008**  
**Sunset Review Date: March 31, 2013**



**EVALUATION METHODOLOGY  
FOR PROPOSALS POLICY  
(INFORMED AVERAGING)**



**IMPLEMENTATION GUIDELINES  
EFFECTIVE JUNE 1, 2009**

# **IMPLEMENTATION GUIDELINES**

## **FOR "EVALUATION METHODOLOGY FOR PROPOSALS" POLICY**

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This document ("Guidelines") provides instructions on how to implement the Los Angeles County Board of Supervisors ("Board") Evaluation Methodology for Proposals, Policy No. 5.054. These Guidelines address the following areas:

- Introduction/Background
- Department Responsibilities
- Description of the Informed Averaging Methodology

### **1.0 Introduction/Background**

On March 31, 2009, the Board approved an Evaluation Methodology for Proposals, Policy No. 5.054. The goals of the Policy are to provide a standardized process that is consistent, objective, fair, and which can be properly documented. As described in the Policy, the Informed Averaging methodology is the County standard for scoring and evaluating competitive solicitations. As referenced in these Guidelines, "competitive solicitation" includes Request for Proposals, Request for Statement of Qualifications, and other solicitations where proposals are evaluated and scored by a committee that considers several factors, such as qualifications, experience, work plan, and price.

Consistent with the March 31, 2009 Board action, effective June 1, 2009, all departments are directed to utilize the Informed Averaging methodology in evaluating proposals received as a result of competitive solicitations. Exceptions to the use of this methodology must have formal Board approval prior to releasing a solicitation document.

These Guidelines are intended to provide County departments with assistance relative to the application of the Informed Averaging methodology. Sample evaluation instructions and evaluation documents are attached to these Guidelines for instructional purposes only. These Guidelines do not prohibit departments from establishing their own evaluation instructions, evaluation documents and accompanying protocols, provided they are consistent with the overall principles of the Informed Averaging methodology.

### **2.0 Department Responsibilities**

Departments are responsible for maintaining the integrity of the evaluation process by, at a minimum, ensuring the following:

- 2.1 Clearly defining an evaluation process that includes, at a minimum:  
(a) instructions that evaluators are to arrive at scores independently; (b) any revisions to scores are made at the individual evaluator's discretion and are properly documented; and (c) evaluation documents are retained to provide an audit trail of the evaluation process.
- 2.2 Developing evaluation documents that comply with the Informed Averaging methodology and that are tailored to the department's unique solicitation requirements.



## **IMPLEMENTATION GUIDELINES FOR "EVALUATION METHODOLOGY FOR PROPOSALS" POLICY**

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- 2.3 Determining the size and composition of the evaluation committee. It is recommended that the evaluation committee consist of at least three evaluators with attention given to subject matter expertise in categories related to the contracted services.
- 2.4 Assigning a facilitator that will schedule and conduct all meetings with the evaluation committee. The facilitator must be familiar with County contracting policies and procedures, and is tasked with ensuring compliance with these County contracting policies and procedures. The facilitator is not a voting member of the evaluation committee.
- 2.5 Coordinating the evaluation process and ensuring that all evaluation documents (as defined in Section 3.0 below of these Guidelines) are retained consistent with the Board-approved Countywide Record Retention Schedule for contracts and contract-related documents.

### **3.0 Informed Averaging Scoring Methodology**

The department designates a facilitator who is familiar with County contracting policies and procedures. The facilitator is tasked with managing the integrity of the evaluation process but is not a voting member of the evaluation committee.

The department develops evaluation documents that are consistent with the solicitation document and identify categories being evaluated, weights given to each category, and clear instructions. Without limiting the foregoing, the evaluation documents also identify any categories of the evaluation that will be reviewed by one or more subject matter experts. These categories typically include reviews of references, County's Contract Database, contract terminations, pending judgments/litigation, financial capability, labor law violations, and exceptions to the sample contract, as well as to review of proposers' cost proposals and, if applicable, the cost effectiveness of such cost proposals (Proposition A).

Departments may continue using any existing processes for reviews by subject matter experts, provided that: (1) departments document such processes in the evaluation documents and communicate such processes to the evaluation committee; (2) if the processes include having evaluators score any categories reviewed by subject matter experts (as opposed to subject matter experts assigning the scores), such scoring must be in accordance with the Informed Averaging methodology; and (3) such processes do not conflict with these Guidelines. Additionally, documentation supporting the subject matter expert's review will be considered a part of the evaluation documents and therefore retained by departments in accordance with these Guidelines.

An initial meeting is scheduled and held with the identified evaluation committee members. The facilitator distributes all relevant documents to the evaluators, including the solicitation document, proposals that met the minimum requirements, and one set of individual evaluation worksheets for each proposal. The proposal evaluation instructions are discussed to ensure the evaluators understand their responsibilities and the evaluation process (Exhibit 1).

## **IMPLEMENTATION GUIDELINES FOR "EVALUATION METHODOLOGY FOR PROPOSALS" POLICY**

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Following the initial meeting, evaluators independently review and score the proposals by utilizing the solicitation document and individual evaluation worksheets. Each evaluator records his/her score and corresponding comments for each rating factor on his/her individual evaluation worksheet (Exhibit 2). All evaluator's comments, notes, questions, etc., are included only on the individual evaluation worksheets and appropriately support the assigned ratings.

The evaluation committee convenes to discuss the individual scores assigned to each rating factor. The purpose of the meeting is to discuss the basis for individual scores, but not for the evaluators to agree upon a particular score.

After the group discussion and the meeting concludes, each evaluator is given an option to revise his/her scores and corresponding comments. Evaluators make independent determinations for any revisions in scores and/or comments based on their review and understanding of additional information they may have obtained by the group discussion. In the event that a score is revised, the evaluator strikes out the original score, documents the new score and provides comments to support the revised rating. Any changes are initialed by the evaluator (see Exhibit 3). This is a recommended method to be used, however, additional methods for documenting a score change can be utilized provided there is a clear audit trail of the evaluation scoring throughout the process.

If the evaluation process includes components such as oral interviews, product demonstrations and/or site visits, the facilitator coordinates those with the evaluators. Individual evaluator scoring and any subsequent evaluation committee meetings with respect to such components must be conducted in accordance with the Informed Averaging methodology.

Once all ratings are finalized and documented, each evaluator signs the last page of their individual evaluation worksheets. The facilitator then collects all individual evaluation worksheets and transfers each evaluator's scores from his/her respective individual evaluation worksheet onto the final evaluation scoring worksheet (Exhibit 4). The scores are then mathematically averaged to obtain a final score for each rating factor as well as an overall total score for each proposal.

As referenced in these Guidelines, "evaluation documents" are defined as each evaluator's individual evaluation worksheets and the final evaluation worksheet. If subject matter experts are utilized, "evaluation documents" additionally includes documentation supporting the subject matter experts' review. Departments are not to discard, shred or destroy any evaluation documents utilized to form the basis for the contract award until such documents would normally be discarded consistent the Board-approved Countywide Record Retention Schedule for contracts and contract-related documents.

**COUNTY OF LOS ANGELES****DEPARTMENT NAME****SERVICES – SOLICITATION NO. \_\_\_\_\_****PROPOSAL EVALUATION INSTRUCTIONS**

These instructions, individual evaluation worksheets, proposals and other material provided to you in connection with this evaluation (collectively, Evaluation Materials), remain **CONFIDENTIAL** during the evaluation phase to preserve the integrity of the solicitation process. The Evaluation Materials have been issued to you under the following conditions:

- For the internal use of \_\_\_\_\_ Department.
- All Evaluation Materials are to be returned to the evaluation committee facilitator upon completion of the evaluation process. No part of the Evaluation Materials may be reproduced.
- Evaluation Materials must not be left unattended, and must be stored in a facility commensurate with their sensitivity.

**Evaluator's Responsibilities**

- Evaluators must be present at all evaluation committee meetings.
- Each evaluator will receive the solicitation document, all proposals that met the minimum requirements and one set of individual evaluation worksheets for each proposal.
- Evaluators independently review and score the proposals by utilizing the solicitation document and individual evaluation worksheets. Each evaluator records his/her score and corresponding comments for each rating factor on his/her individual proposal evaluation worksheet. All evaluator's comments, notes, citations to proposal page numbers, questions, etc., are written only on the individual evaluation worksheets and appropriately support the assigned ratings. Evaluators must include comments for each score as well as notations of a proposal's page numbers to facilitate the scoring discussion.
- Evaluators shall not discuss the substance of the proposals or the evaluation process, with anyone, including other evaluators, the evaluation committee facilitator and subject matter experts, outside of the evaluation committee meetings.
- Evaluators must be consistent in their evaluations and rely only on the content of the proposals. Any prior experience or personal knowledge cannot be considered in the evaluation process.

**(NOTE TO DEPARTMENTS: Include instructions on reviews by subject matter experts.)**

- At the evaluation committee meetings, each evaluator presents and discusses his/her individual scores assigned to each rating factor. The purpose of the meeting is to discuss the basis for individual scores, but not for the evaluators to agree upon a particular score.
- After the group discussion and the meeting concludes, each evaluator is given an option to revise his/her scores and corresponding comments. Evaluators make independent determinations for any revisions in scores and/or comments based on their review and understanding of additional information they may have obtained by the group discussion.
- In the event that a score is revised, the Evaluator must strike out the original score, document the new score and provide comments to support the revised rating. Any changes must be initialed by the evaluator. ***(NOTE TO DEPARTMENTS: As indicated in the "Guidelines", additional methods for documenting a score can be utilized, however, the method must provide a clear audit trail of the evaluation scoring throughout the process.)*** Once all ratings are documented, each evaluator signs the last page of their individual evaluation worksheets.

**SAMPLE**  
Instructions may vary by department  
based on service and internal  
established processes

DEPARTMENT NAME  
XYZ SERVICES - SOLICITATION NO. 000000  
INDIVIDUAL EVALUATION WORKSHEET  
RATER 1

Exhibit 2

Proposer: Joe's Parking, Inc.

**INFORMED AVERAGING SCORING METHODOLOGY:**

Each category will have a rating factor of Exceeds, Meets, Weak or Not Met. The Exceeds category has a point range; all other categories have a fixed score attached to the rating. If the evaluators determine a proposal rates in the "Exceeds" category, the points assigned to that factor must be within the point range indicated on the worksheet. At no time can the proposal be rated lower or higher than the range of points for the "Exceeds" category, or the fixed score for any other rating factor selected.

Portions of the individual evaluation worksheet will be reviewed and scored by the contracts analyst/subject matter expert. These scores will be presented to the evaluators for inclusion into the worksheet. These areas have been identified throughout the worksheet.

**PROPOSAL WORKSHEET RATING FACTOR DEFINITIONS:**

**Exceeds**

This rating should be given when the proposal clearly presents enough information that indicates a higher level than what is required in the RFP. For example, if the factor being evaluated is the requirement of three years experience and the proposal clearly indicates that the firm has ten years of experience and has provided dates to validate that claim, then they have exceeded this requirement of the RFP.

**Meets**

This rating should be given when the proposal presents enough information to ascertain compliance with the requirement of the RFP factor being rated - no more and no less. Using the previous example, if the proposal only includes dates verifying that the firm has three years of experience (and no more), then a rating of "meets" would be appropriate.

**Weak**

This rating should be given if there is questionable compliance, or if the discussion of the RFP requirement is brief or merely an affirmation that the proposer will comply with the RFP requirement being rated. Using the previous example, if the firm said they had three years experience, but did not support it with appropriate dates or client references, then a rating of "weak" is appropriate.

**Not Met**

This rating should be given in two situations: 1) the proposal does not address or acknowledge a certain RFP factor, or 2) the proposal indicates an inappropriate or different response to what is being asked for in the RFP. Using the previous example, a "not met" rating would be appropriate if the firm did not include anything about its experience.

**SAMPLE**  
Instructions may vary by department  
based on service and internal  
established processes

**DEPARTMENT NAME**  
**XYZ SERVICES - SOLICITATION NO. 000000**  
**INDIVIDUAL EVALUATION WORKSHEET**  
**RATER 1**

Exhibit 2

Proposer: Joe's Parking, Inc.

<b>BUSINESS PROPOSAL (50% - 5000 maximum points)</b>					
<b>1</b>	<b>Proposer's Qualifications (10% - 1000 maximum points) Sub-paragraph 2.9.4</b>	<b>Exceeds 500- 400</b>	<b>Meets 350</b>	<b>Weak 150</b>	<b>Not Met 0</b>
<b>1A.</b>	<b>Proposer's Background and Experience (5% - 500 maximum points)</b> <b>(Sub-paragraph 2.9.4 A., Proposal Section B. 1)</b> Evaluation of the Proposer's qualifications, experience, and capacity as a corporation or other entity to perform the required services based on information provided in the RFP, Section B.1 - Proposer's Background and Experience. Consider years of experience in providing parking facilities management services; types of parking facilities operated such as self-parked, valet, stacked) number of spaces, annual gross revenue, period of time proposer has operated each facility, etc.)		350		
Evaluator's Comments: Proposer has over 10 years of experience in managing parking facilities and generates over \$1 million (Page 2)					
<b>Review under Section 1B. (References) will be completed by the contracts analyst/subject matter experts. Findings and scores will be presented at the evaluation meeting for inclusion into the final score. See contracts analyst/subject matter expert's supporting documentation.</b>					
<b>1B.</b>	<b>References (5% - 500 points maximum)</b> <b>(Sub-paragraph 2.9.4 B., Proposal Section B.2)</b>	<b>Good</b>	<b>Fair</b>	<b>Poor</b>	
	Reference #1 <u>ABC County</u>	166.3	116	0	
	Reference #2 <u>Green Park</u>	166.3			
	Reference #3 <u>Event Management, Inc.</u>	166.3			
<b>Total Points for References</b>		<b>500 (rounded)</b>			
<b>Review under Section 1C. (Other performance) will be completed by the contracts analyst/subject matter experts. Findings and scores will be presented at the evaluation meeting for inclusion into the final score. See contracts analyst/subject matter expert's supporting documentation.</b>					
<b>1C.</b>	<b>Other performance</b> <b>(Sub-paragraph 2.9.4 C, Proposal Section B.3)</b>	<b>Good</b>	<b>Fair</b>	<b>Poor</b>	
	Review of the County's Contract Database reflects a negative past performance history on County contracts. If no negative performance history, there would be no deductions and a rating of 'good' would be assigned. Disclosure of the number and type of contract terminations. Do terminations show a pattern of corporate behavior that is likely to continue? If so, is this pattern detrimental to the County? Disclosure of the number and type of judgments or pending litigation that may interfere with current contracts or prohibit Proposer from entering into new contracts? Are such judgments sufficient to alter the Proposer's financial capabilities?	0	(600-800)	(1000-1200)	
		0	(200-300)	(400-600)	
		0	(200-300)	(400-600)	
<b>Points Deducted</b>		0			
<b>Proposer's Qualifications</b> <b>(Sub-paragraph 2.9.4, Proposal Sections B.1, B.2, and B.3)</b> <b>(Transfer points to the Summary – page 00)</b>		<b>TOTAL POINTS</b> <u>850</u>			

**SAMPLE**

Instructions may vary by department  
based on service and internal  
established processes

**DEPARTMENT NAME**  
**XYZ SERVICES - SOLICITATION NO. 000000**  
**INDIVIDUAL EVALUATION WORKSHEET**  
**RATER 1**

Exhibit 2

Proposer: Joe's Parking, Inc.

<b>2. Proposer's Approach to Providing Required Services and Quality Control Plan (30% - 3000 maximum points)</b> (Sub-paragraph 2.9.5, Proposal Section C and Sub-Paragraph 2.9.6, Section D)				
<b>2A. Proposers' Approach to Providing Required Services (20%-2000 maximum points)</b> (Sub-Paragraph 2.9.5, A)	<b>Exceeds</b> 1600-2000	<b>Meets</b> 1400	<b>Weak</b> 600	<b>Not Met</b> 0
<b>Operational Plan</b> Evaluate how the Proposer addresses the following factors: Proposed Start Up Operations - implementation plan for providing the required services, including the training of new staff, installation of parking equipment, signage, number of type of equipment owned or available and time schedule to implement transition phase. Experience in working with electronic, automated parking equipment and the type of equipment utilized. Methods and procedures of deployment of staff and ensuring coverage for Parking Facilities with one attendant to accommodate staff breaks, scheduled vacations, and unscheduled absences. Proposed contingency plans for ensuring the continuation of required services in the event of personnel shortages or in the event the County requests to remove/add staff.	2000			
<b>Evaluator's Comments:</b> Proposer provided business and operational enhancements/recommendations custom to each parking facility lot (pg. 25), including staffing level, duties, and responsibilities. Proposer provided extensive information regarding the type and experience of automated parking equipment (pg. 30) Proposer described deployment of staff by scheduling at least 2 persons per opening time so that if one is late the second person is available (Table 1 of Proposal). Proposer addressed contingency plans by stating they have 600 employees, which allows them to draw from an extensive and highly trained labor pool (pg. 35).				
<b>2B. Quality Control Plan (10%- 1000 maximum points)</b> (Sub-Paragraph 2.9.6, Section D)	<b>Exceeds</b> 800-1000	<b>Meets</b> 700	<b>Weak</b> 300	<b>Not Met</b> 0
Evaluate the Proposer's demonstrated ability to establish and maintain a complete Quality Control Plan, including the following factors: Activities to be monitored to ensure compliance with all Contract requirements; Monitoring methods to be used; Frequency of monitoring; Samples of forms to be used in monitoring; Title/level and qualifications of personnel performing monitoring functions; and Documentation methods of all monitoring results, including any corrective action taken.			300	
<b>Evaluator's Comments:</b> Proposer merely restated what was in the SOW without addressing each factor identified within Section 2 of the RFP. Proposer provided few sample forms.				
<b>Subtotal for Proposer's Approach to Providing Required Services and Quality Control Plan</b> (Sub-paragraph 2.9.5, Proposal Section C & Sub-Paragraph 2.9.6, Section D) (Transfer points to the Summary – page 00)		<b>TOTAL</b> <b>POINTS</b> <u>2300</u>		

**SAMPLE**  
 Instructions may vary by department  
 based on service and internal  
 established processes

**DEPARTMENT NAME**  
**XYZ SERVICES - SOLICITATION NO. 000000**  
**INDIVIDUAL EVALUATION WORKSHEET**  
**RATER 1**

Exhibit 2

Proposer: Joe's Parking, Inc.

**Review under Section 3.A. and 3.B. (Living Wage Compliance) will be completed by the contracts analyst/subject matter experts. Findings and scores will be presented at the evaluation meeting for inclusion into the final score. See contracts analyst/subject matter expert's supporting documentation.**

<b>3. Living Wage Compliance (10% - 1000 maximum points) (Section G)</b>				
<b>3A.</b> Financial Capability (Sub-paragraph 2.9.9 A., Proposal Section G) will be evaluated by an independent third party who will make an Acceptable/Unacceptable recommendation to the committee.	PASS		FAIL	
<b>3B.</b> Proposer's Staffing Plan (Sub-paragraph 2.9.9 B., Proposal Section G) Address the appropriateness, scope, and suitability of proposer's response to the staffing plan as identified on each Parking Facility Specification Sheet.	PASS		FAIL	
<b>3C. Living Wage Compliance (Section G)</b>	<b>Exceeds 800-1000</b>	<b>Meets 700</b>	<b>Weak 300</b>	<b>Not Met 0</b>
<p>Proposer's Approach to Labor-Payroll Record Keeping and Regulatory Compliance (Sub-paragraph 2.9.9 F., Proposal Section F) Evaluate the appropriateness, scope, and suitability of the firm's employee labor-Payroll record keeping system and the controls in place that ensures ongoing regulatory compliance. Did the firm include, at a minimum, a detailed discussion of each of the following:</p> <p>What system does the firm use to document employee's arrival and departure Times (e.g., time clock system, sign-in/sign-out via computer, sign-in/sign-out sheets, etc.)?</p> <p>How does the firm ensure that employees take mandated breaks and meal breaks?</p> <p>Is the firm's labor-payroll record keeping system manual or automated?</p> <p>Does the firm prepare the payroll or is it contracted out to a third party?</p> <p>How does the firm calculate the total wages for individual employees at multiple wage rates (County's Living Wage rate for County work and firm's standard rate for other work) to ensure straight time hours, overtime hours, and travel time are paid to employees at the appropriate rates?</p> <p>Is the system automated to handle variable payroll calculations or does the firm need to manually override the system to perform the calculation?</p>		700		
<b>Evaluator's Comments:</b> Proposer presented automated labor-payroll record keeping systems. No information provided as to how proposer ensures breaks are taken. Overtime hours are automatically calculated but rate was not provided.				
<b>Living Wage Compliance</b> (Transfer points to the Summary – page 00)	<b>TOTAL POINTS</b>		700	



**SAMPLE**

Instructions may vary by department  
based on service and internal  
established processes

**DEPARTMENT NAME**  
**XYZ SERVICES - SOLICITATION NO. 000000**  
**INDIVIDUAL EVALUATION WORKSHEET**  
**RATER 1**

Exhibit 2

Proposer: Joe's Parking, Inc.

**Review under Section 4. (Exceptions to the Sample Contract) will be completed by the contracts analyst/subject matter experts. Findings and scores will be presented at the evaluation meeting for inclusion into the final score. See contracts analyst/subject matter expert's supporting documentation**

<b>4. Exceptions to the Sample Contract</b> (Sub-Paragraph 2.9.7, Proposal Section E)	<b>No</b>	<b>Yes/ Major</b> (2000)	<b>Yes/ Minor</b> (1000)
Were there any exceptions taken to the Sample Contract? (circle one)	<u>0</u>		
If yes, were proposed alternatives acceptable? (If yes, circle one)	Unacceptable 0	Acceptable 1000	Weak 500

**Exceptions to Sample Contract**  
(Transfer points to the Summary – page 00)

**TOTAL  
POINTS** 0

**SUMMARY****POINTS AWARDED**

**This section is to be completed by evaluator prior to finalizing individual evaluation worksheet.**

**BUSINESS PROPOSAL (50% - 5000 maximum points)**

<b>1. Proposer's Qualifications (10%) -</b> (1000 maximum points)	<b>850</b>
<b>2. Proposer's Approach to Providing Required Services and Quality Control Plans (30%)</b> (3000 maximum points)	<b>2300</b>
<b>3. Living Wage Compliance -</b> <div style="display: flex; justify-content: space-between;"> <div> <b>A. Financial Capability</b>  <b>B. Proposed Staffing Plan</b>  <b>C. Labor-Payroll Record Keeping and Regulatory Compliance (10%)</b> </div> <div> <b>Pass      Fail</b>  <b>Pass      Fail</b>  <b>(1000 maximum points)</b> </div> </div>	<b>700</b>
<b>4. Exceptions to Sample Contract</b> (Subtract Points)	<b>0</b>
<b>BUSINESS PROPOSAL TOTAL POINTS (50%)</b> (5000 maximum points)	<b>3850</b>

Print Evaluator's Name

Signature

Date

**SAMPLE - with  
Revised Score and  
Comments**

**DEPARTMENT NAME**  
**XYZ SERVICES - SOLICITATION NO. 000000**  
**INDIVIDUAL EVALUATION WORKSHEET**  
**RATER 1**

Exhibit 3

Proposer: Joe's Parking, Inc.

<b>BUSINESS PROPOSAL (50% - 5000 maximum points)</b>				
<b>1 Proposer's Qualifications (10% - 1000 maximum points)</b> (Sub-paragraph 2.9.4)	<b>Exceeds</b> 500- 400	<b>Meets</b> 350	<b>Weak</b> 150	<b>Not Met</b> 0
<b>1A. Proposer's Background and Experience (5% - 500 maximum points)</b> (Sub-paragraph 2.9.4 A., Proposal Section B. 1) Evaluation of the Proposer's qualifications, experience, and capacity as a corporation or other entity to perform the required services based on information provided in the RFP, Section B.1 - Proposer's Background and Experience. Consider years of experience in providing parking facilities management services; types of parking facilities operated such as self-parked, valet, stacked) number of spaces, annual gross revenue, period of time proposer has operated each facility, etc.)	<i>L.F.</i> <div style="border: 1px solid black; border-radius: 50%; width: 40px; height: 40px; margin: 0 auto; display: flex; align-items: center; justify-content: center;">500</div>	<div style="text-align: center;"> <del>350</del> </div>		
<p>Evaluator's Comments: <span style="float: right;"><i>L.F.</i></span></p> <p><del>Proposer has over 10 years of experience in managing parking facilities and generates over \$1million. (Pg. 2)</del></p> <p>Upon discussion with other committee members, proposer identified experience managing 70,000 parking spaces (page 5), generates over \$16 million, and provides multiple types of parking services, such as daily shuttle and event parking. Proposer provided this information in the "additional information" section of the proposal.</p>				

**SAMPLE**

\_\_\_\_\_ SERVICES - SOLICITATION NO. \_\_\_\_\_  
FINAL EVALUATION SCORING WORKSHEET

Exhibit 4

Average Score  
is derived by the sum of all rater's scores  
divided by the number of raters

Proposer: Joe's Parking, Inc.

Business Proposal Section	Maximum Points	Raters			Average Scores
		1	2	3	
1. Proposer's Qualifications (10% -1000 maximum points)					
1A. Background and Experience	500	350	500	350	400
1B. References	500	500	448	348	432
1C. Other Performance - County Database (Deductions)	0	0	0	0	0
Subtotals:	1000	850	948	698	832
2. Proposer's Approach to Providing Services and Quality Control Plan (30% - 3000 maximum points)					
2A. Operational Plan	2000	2000	1400	1400	1600
2B. Quality Control Plan	1000	300	700	300	433
Subtotals:	3000	2300	2100	1700	2033
3. Living Wage Compliance (10% - 1000 maximum points)					
3A. Financial Capability	Pass/Fail	Pass	Pass	Pass	Pass
3B. Proposer Staffing Plan	Pass/Fail	Pass	Pass	Pass	Pass
3C. Proposer's Approach to Labor-Payroll Record Keeping and Regulatory Compliance (10%)	1000	700	700	700	700
Business Proposal Subtotal (50% - 5000 maximum points):	5000	3850	3748	3098	3565
Deductions for Exceptions to Sample Contract:	0	0	0	0	0
Business Proposal Total:	5000	3850	3748	3098	3565

### SERVICES CONTRACT SOLICITATION PROTEST POLICY IMPLEMENTATION GUIDELINES

This document ("Guidelines") provides instructions on how to implement the Los Angeles County Board of Supervisors ("Board") Services Contract Solicitation Protest Policy (Policy No. 5.055) ("Protest Policy"), the revised version of which was adopted by the Board on March 31, 2009 and becomes effective June 1, 2009. These Guidelines address the following areas:

- Introduction
- Notification to Vendor
- Grounds for Review
  - Solicitation Requirements Review
  - Disqualification Review
  - Department's Proposed Contractor Selection Review
    - Selection of Proposer and Completion of Negotiations
    - Departmental Debriefing Process
    - Proposed Contractor Selection Review
    - County Review Panel Process
      - Request to Convene a Panel; Required Panel Materials
      - Selection of Panel Members
      - Brown Act Considerations
      - Chair Responsibilities
      - Conducting the Panel Review
      - Panel Responsibilities
      - Department Responsibilities
- Accessing Guidelines; Updates to Guidelines
- Standard/Sample Language
- Timeframes
- Solicitation Practices

#### Introduction

Any proposer who, in the course of a competitive solicitation for a Board-approved services contract, (i) would have submitted a proposal but for a requirement or provision in the solicitation document, or (ii) is determined non-responsive, or (iii) is not being recommended to the Board for award of a contract, may request the applicable levels of review of such solicitation, as provided in the Protest Policy.

As used in these Guidelines:

1. The term "proposer" is defined as (a) any person or entity that submits a bid, proposal or other response to a services contract solicitation

conducted by any department or agency that is governed by the Board and (b) for purposes of the Solicitation Requirements Review only, any person or entity that can demonstrate that it would have submitted a bid, proposal or other response to such a solicitation, but for a requirement or provision in the solicitation document that created an unfair disadvantage for the proposer.

2. The term "proposal" is defined as a bid, proposal, or other response to a services contract solicitation.
3. The term "evaluation document" is defined as the term is defined in Board Policy No. 5.054 (Evaluation Methodology for Proposals).

Throughout the review process, the County has no obligation to delay or otherwise postpone an award of contract based on a proposer protest. In all cases, the County reserves the right to make an award when it is determined to be in the best interest of the County to do so.

#### **Notification to Vendor**

All issued solicitation documents should include information on how a proposer may request a review. The most current solicitation language may be accessed at <http://web.co.la.ca.us/lacounty/svcscontractingmanual/> by selecting "Model Solicitation Documents."

#### **Grounds for Review**

Unless state or federal statutes or regulations otherwise provide, the grounds for review of any departmental determination or action provided for under the Protest Policy are limited to the following:

- Review of Solicitation Requirements
- Review of a Disqualified Proposal
- Review of Department's Proposed Contractor Selection

The following describes the procedures to be followed for each of these areas.

#### **Solicitation Requirements Review**

Any person or entity may seek a Solicitation Requirements Review by submitting a written request for review to the department conducting the solicitation as described in this section of these Guidelines. A request for a Solicitation Requirements Review should be granted if it satisfies all of the following criteria:

1. The request for a Solicitation Requirements Review is made within ten business days of the issuance of the solicitation document;
2. The request for a Solicitation Requirements Review includes documentation, which demonstrates the underlying ability of the person or entity to submit a proposal;
3. The request for a Solicitation Requirements Review itemizes in appropriate detail, each matter contested and factual reasons for the requested review; and
4. The request for a Solicitation Requirements Review asserts that either:
  - (a) application of the minimum requirements, evaluation criteria and/or business requirements unfairly disadvantages the person or entity;
  - or,
  - (b) due to unclear instructions, the process may result in the County not receiving the best possible responses from prospective proposers.

Requests for a Solicitation Requirements Review not satisfying all of these criteria may, in the department's sole discretion, be denied.

Wherever possible, the Solicitation Requirements Review should be performed by one or more departmental representatives with services contracting knowledge or experience, who were not involved to a substantial degree with the solicitation.

After a request for a Solicitation Requirements Review is received from a proposer, the department should:

- Ensure the request was received within the timeline specified; and
- Review the request to determine if it itemizes in appropriate detail each matter contested, as well as any factual reason(s) for the requested review.

The Solicitation Requirements Review shall be completed and the department's determination shall be provided to the proposer, in writing, within a reasonable time prior to the proposal due date.

### **Disqualification Review**

A proposal may be disqualified from consideration because a department determined it was non-responsive at any time during the review/evaluation process. If a department determines that a proposal is disqualified due to non-

responsiveness, the department shall notify the proposer in writing and provide the following information:

- The specific solicitation criteria the proposal failed to meet;
- The grounds on which the proposer may request a Disqualification Review;
- The specific timeframe within which the proposer must request a Disqualification Review;
- The Transmittal form to Request a Disqualification Review; and
- Direction to the proposer to include appropriate factual support on each ground asserted in the request for a Disqualification Review as well as copies of all documents and other material which support its assertions.

A copy of the Transmittal Form to Request a Disqualification Review can be accessed at <http://web.co.la.ca.us/lacounty/svcscontractingmanual/> by selecting "Model Solicitation Documents".

Upon receipt of the department's written notification of non-responsiveness, the proposer may submit a written request for a Disqualification Review by the date specified in the written notification.

A request for a Disqualification Review should be granted if it satisfies all of the following criteria:

1. The person or entity requesting a Disqualification Review is a proposer;
2. The request for a Disqualification Review is submitted timely; and
3. The request for a Disqualification Review asserts that the department's disqualification of the proposal was erroneous (e.g. factual errors, etc.) and provides factual support on each ground asserted as well as copies of all documents and other material that support the assertions.

Requests for a Disqualification Review not satisfying all of these criteria may, in the department's sole discretion, be denied.

Whenever possible, a Disqualification Review should be performed by one or more departmental representatives with services contracting knowledge or experience, who were not involved to a substantial degree with the solicitation.

After a request for a Disqualification Review is received from a proposer, the department should:

- Ensure the request was received within the timeline specified; and
- Review the request to determine if it itemizes in appropriate detail each ground asserted, as well as any factual reason(s) for the requested Disqualification Review.

The Disqualification Review shall be completed and the determination shall be provided to the proposer, in writing, prior to the conclusion of the evaluation process.

### **Department's Proposed Contractor Selection Review**

#### **Selection of Proposer and Completion of Negotiations**

Upon completion of the evaluation, the department notifies the recommended proposer and commences contract negotiations with that proposer. Upon completion of negotiations, the department obtains a letter ("Letter of Intent") from an authorized officer of the recommended proposer that the negotiated contract is a firm offer of the recommended proposer, which shall not be revoked by the recommended proposer pending the department's completion of the Protest Policy process and Board approval. A sample Letter of Intent can be accessed at <http://web.co.la.ca.us/lacounty/svcscontractingmanual/> by selecting "Model Solicitation Documents".

**NOTE:** Once the department obtains a Letter of Intent, absent extraordinary circumstances, the department will release the recommended proposer's proposal and corresponding evaluation documents only, with any justifiable portions redacted, in response to California Public Records Act requests.

#### **Departmental Debriefing Process**

**NOTE:** Debriefings are required to be provided under these Guidelines only in connection with solicitations where the responses are evaluated and scored (as opposed to being awarded to the lowest cost, responsive and responsible bidder). For solicitations being awarded to the lowest cost, responsive and responsible bidder, departments should include the manner and timeframe for submitting a Notice of Intent to Request Proposed Contractor Selection Review (described at the end of this section of these Guidelines) in the letters notifying the remaining proposers that they were not selected (described in the next paragraph of this section of these Guidelines).

Concurrent with notifying the recommended proposer as described in the section of these Guidelines entitled "Selection of Proposer and Completion of Contract Negotiations," the department shall additionally notify the remaining proposers in writing that they were not selected and that they may request a Debriefing within the timeframe specified in the written notification. A request for a Debriefing may, in the department's sole discretion, be denied if it is not submitted within the specified timeframe.



A Debriefing is conducted by the individual within the department who was charged with administering the solicitation process. If the proposer requests a Debriefing, the department should:

- Ensure the request was received within the specified timeframe; and
- Contact the proposer and schedule a Debriefing meeting.

The purpose of the Debriefing is to compare the proposer's response to the solicitation document with the evaluation document. The proposer shall be debriefed only on its response and evaluation documents. It is helpful for the proposer to understand the strengths and weaknesses of its proposal, as reflected in the score it received in the evaluation. Because contract negotiations are not yet complete, other proposers' responses and/or evaluation documents shall not be discussed. However, to provide the proposer with proper context, the proposer should be informed as to its relative ranking, i.e. points received compared to other proposals.

During or following the Debriefing, the department shall instruct the proposer that if the proposer is not satisfied with the results of the Debriefing, the proposer may, within a specified timeframe following the Debriefing, submit a Notice of Intent to Request a Proposed Contractor Selection Review. The department shall provide the proposer with a copy of the Notice of Intent to Request a Proposed Contractor Selection Review, which can be accessed at <http://web.co.la.ca.us/lacounty/svcscontractingmanual/> by selecting "Model Solicitation Documents."

The department shall additionally inform the proposer that, once the department has completed contract negotiations with the recommended proposer, each proposer that has timely submitted a Notice of Intent to Request a Proposed Contractor Selection Review will be provided an opportunity to request a Proposed Contractor Selection Review. In addition to requesting prior notification of the intent to request a Proposed Contractor Selection Review, the Notice of Intent to Request a Proposed Contractor Selection Review also asks the proposer to notify the department if the proposer wants copies of the recommended proposer's proposal and corresponding evaluation documents, when the same are made available for release in accordance with these Guidelines.

#### Proposed Contractor Selection Review

Following receipt of the Letter of Intent as described in section of these Guidelines entitled "Selection of Proposer and Completion of Negotiations," the department shall notify each proposer that has timely submitted a Notice of Intent to Request a Proposed Contractor Selection Review, in writing that such proposer may request a Proposed Contractor Selection Review by the date

specified in the written notification. The written notification should include a copy of the Transmittal Form to Request a RFP Proposed Contractor Selection Review and should instruct the proposer to include full and complete factual information on each ground for review asserted in the proposer's request. A copy of the Transmittal Form to Request a RFP Proposed Contractor Selection Review can be accessed at <http://web.co.la.ca.us/lacounty/svcscontractingmanual/> by selecting "Model Solicitation Documents." If requested under the Notice of Intent to Request a Proposed Contractor Selection Review, the written notification should include copies of the recommended proposer's proposal and corresponding evaluation documents.

A request for a Proposed Contractor Selection Review should be granted if all it satisfies all of the following criteria:

1. The firm/person requesting a Proposed Contractor Selection Review is a proposer;
2. The request for a Proposed Contractor Selection Review is submitted timely;
3. The firm/person requesting a Proposed Contractor Selection Review asserts in appropriate detail with factual reasons one or more of the following grounds for review:
  - (a) The department materially failed to follow procedures specified in its solicitation document. This includes:
    - Failure to correctly apply the standards for reviewing the proposal format requirements.
    - Failure to correctly apply the standards, and/or follow the prescribed methods, for evaluating the proposals as specified in the solicitation document.
    - Use of evaluation criteria that were different from the evaluation criteria disclosed in the solicitation document.
  - (b) The department made identifiable mathematical or other errors in evaluating proposals, resulting in the proposer receiving an incorrect score and not being selected as the recommended contractor.
  - (c) **[NOTE:** Applicable only to solicitations where the responses are evaluated and scored (as opposed to being awarded to the lowest cost, responsive and responsible bidder).] A member of the Evaluation Committee demonstrated bias in the conduct of the evaluation.
  - (d) Another basis for review as provided by state or federal law; and

4. The request for a Proposed Contractor Selection Review sets forth sufficient detail to demonstrate that, but for the department's alleged failure, the firm/person would have been the lowest cost, responsive, and responsible bidder or highest-scored proposer.

The assertions included in a request for a Proposed Contractor Selection Review may be with respect to the requesting proposer's proposal and/or with respect to the recommended proposer's proposal, provided the request for the Proposed Contractor Selection Review satisfies all of the four criteria identified above. Requests for a Proposed Contractor Selection Review not satisfying all of these criteria may, in the department's sole discretion, be denied.

After a request for a Proposed Contractor Selection Review is received from a proposer, the department should:

- Ensure the request was received within the timeline specified; and
- Review the request to determine if it itemizes in appropriate detail each ground asserted, as well as any factual reason(s) for the requested review.

Wherever possible, a Proposed Contractor Selection Review is performed by one or more departmental representatives with services contracting knowledge and experience, who did not participate to a substantial degree in the solicitation in question.

Upon completing the Proposed Contractor Selection Review, the department representative shall issue a written decision to the proposer within a reasonable time, and always before the date the contract award recommendation is to be heard by the Board. The written decision should state that if the proposer is not satisfied with the results of the Proposed Contractor Selection Review, it may request a review by the County Review Panel within the timeframe specified in the written decision.

Additionally, the written decision should attach a copy of the Transmittal Form to Request a County Review Panel and should instruct the proposer to:

- Include appropriate factual support on each ground asserted;
- Include all documents and other material which support its assertions;
- Include all items in their request as only the items referenced will be considered at the County Review Panel meeting;
- Limit the items included in their request to items raised in the Proposed Contractor Selection Review and new items that (i) arise from the department's written decision and (ii) are on one of the appropriate grounds for requesting a Proposed Contractor Selection Review as listed above; and

- Inform the County if legal counsel will be accompanying them to the County Review Panel meeting.

A copy of the Transmittal form to Request a County Review Panel can be accessed at <http://web.co.la.ca.us/lacounty/svcscontractingmanual/> by selecting "Model Solicitation Documents."

### County Review Panel Process

After a request for a County Review Panel is received from a proposer, the department should:

- Ensure the request was received within the timeline specified; and
- Review the request to determine if it itemizes in appropriate detail each matter contested, as well as any factual reason(s) for the requested review.

### Request to Convene a Panel; Required Panel Materials

In order to convene a County Review Panel, the department submits a written request, including the timeframe for completion of the review, to the Chief Executive Office ("CEO"). The written request shall include five (5) copies of the following documentation (collectively, "Panel Materials"):

- The request for a Panel and supporting documentation;
- A copy of the solicitation document;
- A copy of the proposal being reviewed;
- If applicable, a copy of the recommended proposer's proposal ;
- A copy of the evaluation documents for proposal being reviewed and, if applicable, for the recommended proposer;
- Copies of any additional correspondence to and from the requesting proposer;
- A summary of the Debriefing;
- A copy of the request for a Proposed Contractor Selection Review and the department's decision; and
- Any other pertinent documentation.

A copy of the Letter to CEO to Convene County Review Panel can be accessed at <http://web.co.la.ca.us/lacounty/svcscontractingmanual/> by selecting "Model Solicitation Documents."

### Selection of Panel Members

Upon receipt of a written request to convene a County Review Panel that meets the applicable requirements of these Guidelines, the CEO shall convene a Panel

from a candidate pool of potential Panel members. The pool will consist of contract managers and contract analysts in departments. When convening a Panel, the CEO shall select from the candidate pool three individuals from departments other than the department that administered the solicitation. The CEO shall appoint one of the three individuals to serve as Chair. The Panel members shall have services contracting knowledge. No member may have prior involvement with the solicitation.

Once all Panel members have been selected, the CEO will distribute the Panel Materials to each Panel member and the County Counsel for the Panel. NOTE: With respect to each convened Panel, absent extraordinary circumstances, copies of all Panel Materials, with any justifiable portions redacted, will be released upon request without delay.

### Brown Act Considerations

Each County Review Panel is a Brown Act (California Government Code §§ 54950 et seq.) body and its meetings must be conducted in accordance with the Brown Act. This requires, in summary, that:

- Meetings of two or more Panel members must be properly noticed and open;
- Panel members cannot engage in closed "serial meetings," whether in person, by phone or e-mail;
- Panel agenda must be posted at the Panel meeting site seventy-two (72) hours in advance of the Panel meeting;
- Panel meeting must be limited to that which is listed on the Panel agenda;
- Public must be allowed to comment; and
- Violators may be subject to civil and criminal penalties.

### Chair Responsibilities

County Review Panel Chairs are responsible for coordinating their respective Panel meetings. After receiving CEO notice of Panel member selection, the Chair shall contact the CEO and County Counsel for the Panel for direction on these responsibilities.

### Conducting the Review Panel

The County Review Panel shall be conducted in accordance with the following guidelines:

HOA.578539.8  
IMPLEMENTATION GUIDELINES VERSION 2  
LAST UPDATED: 5/13/09

- The review is to be facilitated by the County Review Panel Chair.
- Participants should be advised that (i) the review by the County Review Panel is not a formal legal proceeding and (ii) the Panel makes recommendations only, which are not binding on the department.
- The review should be limited to what was presented in the request for review. No new issues can be brought forward in the review.
- All facts, comments and arguments made during the review must be relevant to the issues being reviewed.
- All comments are to be made by the proposer and department to the County Review Panel. There is no direct dialogue between the department and the proposer.
- The Panel shall deliberate and state its findings prior to adjourning the County Review Panel meeting.
- The public shall be given an opportunity to comment prior to adjourning the County Review Panel meeting.

#### Panel Responsibilities

Upon completion of the Panel's review, the Chair, with advice from the County Counsel for the Panel if needed, shall:

- Prepare a written report within ten business days; and
- Forward the report to the department.

#### Department Responsibilities

Upon receipt of the County Review Panel's report, department shall:

- Provide a copy to the proposer; and
- Forward a copy of the report, as necessary, to other departments.

With respect to each solicitation, once all Panels have been held and all reports have been issued, the department files recommendation for contract award on Board's agenda. Should a department believe that it is in the best interests of the County to place the recommendation for contract award on the Board's agenda prior to the completion of all Panels and issuance of all reports, the department must (a) state the reasons therefor in the applicable Board letter and (b) ask the Board for approval to proceed with contract award prior to such completion and issuance.

**NOTE:** When the agenda is printed, absent extraordinary circumstances, the remaining proposals and corresponding evaluation documents, with any justifiable portions redacted, will be available for release in response to California Public Records Act requests.

HOA.578539.8  
IMPLEMENTATION GUIDELINES VERSION 2  
LAST UPDATED: 5/13/09

### **Accessing Guidelines; Updates to Guidelines**

Internal Services Department will publish these Guidelines on the Intranet at <http://web.co.la.ca.us/lacounty/svcscontractingmanual/> and will update the site as changes occur.

### **Standard/Sample Language**

To assist departments in implementing their review protocols, the Internal Services Department and County Counsel have prepared standard solicitation document language setting forth the Protest Policy which should be used in all solicitations for Board-awarded services contracts. The most current solicitation language may be accessed at <http://web.co.la.ca.us/lacounty/svcscontractingmanual/> by selecting "Model Solicitation Documents."

### **Timeframes**

The complexity and nature of requirements and proposals received, as well as the issues raised by a proposer can vary from solicitation to solicitation. As such, it is not practical to establish an across the board timeline for each phase of the review process. Instead, these Guidelines call for departments to complete each phase of any review process and to notify the proposer of the review results within a reasonable timeframe:

- Review of Solicitation Requirements – Review results should be provided to the proposer in time to allow for any changes in the submittal of a proposal.
- Review of Disqualified Proposal – Review results should be provided to the proposer in time to allow the proposal to be evaluated prior to the proposed contractor selection should they receive a favorable disposition of their ground asserted.
- Review of Proposed Contractor Selection – Review results should be provided to the proposer in advance of the scheduled Board date and in time to allow the proposal to be evaluated prior to contract award.

### **Solicitation Practices**

Providing accurate information concerning the services sought, and producing clear, accurate and consistent solicitation documents, as well as appropriately documented evaluations will assist in expediting the solicitation process; minimizing the need for review and enhance vendor relations. To this end, County departments should be aware of the contracting practices set forth in the

Services Contracting Manual and consult with County Counsel timely as issues arise in the drafting of solicitation documents or during the solicitation process.

Departments should also consider the additional time that may be required to accommodate vendor protests and plan accordingly for that time in their solicitation processes. It is also recommended that departments add language to contracts that are subject to resolicitation to allow for the department head to unilaterally exercise extensions of the contract term on a month-to-month basis not to exceed a certain period of time (typically six months). Exercising short-term extensions of the contract can ensure continuation of services if a department encounters a protest process that delays award of a subsequent contract.

Departments should:

- Prepare all solicitations with appropriate, current provisions and exhibits. Model solicitation documents may be accessed at <http://web.co.la.ca.us/lacounty/svcscontractingmanual/> by selecting "Model Solicitation Documents."
- Follow statutory and policy requirements.
- Draft solicitations using clear and easily understood instructions.
- Define the evaluation criteria clearly prior to release of the solicitation, and include a high level summary of the evaluation criteria, along with weighting for criteria to be evaluated, in the solicitation document.
- Provide careful instruction for the Evaluation Committee members on the evaluation approach to be used and how the evaluation process will be conducted.
- Treat all proposers fairly and impartially.
- Give proposers an opportunity, through proposers' conferences and Debriefings, to ask questions regarding the solicitation document and/or learn why its proposal was not recommended.
- Include the following language in solicitation documents under "Proposers' Questions": "Questions may address concerns that the application of minimum requirements, evaluation criteria and/or business requirements would unfairly disadvantage proposers or, due to unclear instructions, may result in the County not receiving the best possible responses from proposer."



- Provide all proposers access to pertinent, concise answers to relevant questions submitted.
- Give all proposers access to the same information and facts about the solicitation documents, statement of work, and qualification requirements.
- Provide appropriate written explanation to a proposer as to why its proposal was determined non-responsive.
- Give proposers notice of how they may request a Debriefing, a Disqualification Review, a Proposed Contractor Selection Review and/or County Review Panel.
- Begin to prepare proposals and evaluation documents for release pursuant to California Public Records Act requests and Brown Act requirements as soon as Notices of Intent to Request Proposed Contractor Selection Reviews are received.